

In the High Court of Judicature at Madras

Dated:11.07.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

and

The Hon'ble Mr. Justice V. DHANAPALAN

Habeas Corpus Petition No.421 of 2006

Ashokumar

.. Petitioner

vs.

1. The Secretary to Government
Prohibition and Excise Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009.

2. The District Collector and
District Magistrate
Thiruvannamalai District
Thiruvannamalai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus calling for the records in connection with the order of detention passed by the second respondent dated 20.3.2006 in her office Ref.D.O.No.18/2006-C2 against the petitioner's mother Lakshmi, W/o.Dhandapani, now confined in Special Prison for Women, Vellore, Vellore District and set aside the same and direct the respondents to produce the above said detenu before this Hon'ble Court and set him at liberty.

For petitioner : Mr.V.Parthiban
for Mr.E.Kannadasan

For respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

ORDER

(Order of the Court was made by V. DHANAPALAN, J.)

The petitioner by name Ashokumar, challenges the impugned order of detention dated 20.03.2006, detaining his mother Lakshmi as "Bootlegger" under Section 3 (1) of the Tamil Nadu Prevention of Dangerous activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1981 (Tamil Nadu Act 14 of 1982).

2. Heard both sides.

3. Even at the foremost the learned counsel for the petitioner submitted that there was delay in considering the representation of the detinue, which vitiates the ultimate order of detention. With reference to the said claim the learned Additional Public Prosecutor has placed details, which show that the representation of the detinue dated 18.04.2006 was received by the Government on 19.04.2006 and remarks were called on 21.04.2006, remarks were received on 02.05.2006. After receipt of the remarks, the file was dealt with by the Under Secretary and the Deputy Secretary on 03.05.2006; order was passed by the Minister for Prohibition and Excise on 04.05.2006, rejection letter was prepared on 10.05.2006; the same was sent to the detinue on 11.05.2006 and the rejection letter was served on the detinue on 15.05.2006. As rightly pointed out though the Minister has passed an order on 04.05.2006, there is no explanation or reason for preparing the rejection letter till 10.05.2006. In the absence of any explanation, we hold that there is a delay between 04.05.2006 and 10.05.2006. On this ground, the impugned detention order is quashed; accordingly, this petition is allowed. The order of detention impugned in the petition is set aside and the detinue is directed to be set at liberty forthwith from the custody unless she is required in connection with any other case.

Kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government
Prohibition and Excise Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009.

2. The District Collector and
District Magistrate
Thiruvannamalai District
Thiruvannamalai.

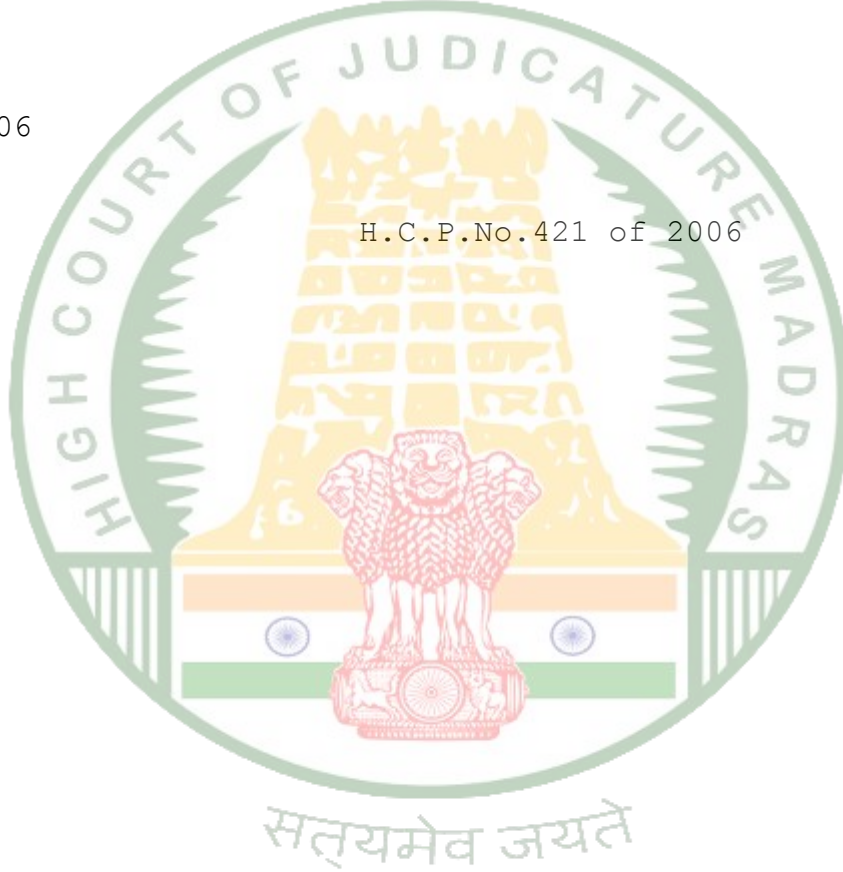
3. The Superintendent
Special Prison for Women
Vellore.

4. The Director General of Police
Tamil Nadu, Chennai 4.

5. The Public Prosecutor
High Court, Madras.

+ one cc to Mr.E.Kannadasan, Advocate Sr.No.29745.

NG (CO)
RSM/14.7.2006



H.C.P.No.421 of 2006

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